



1742

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

A. David Johnson et. al.

Serial No.: 09/902,856

Group Art Unit: 1742

Filing Date: 7/10/2001

Examiner: George P. Wyszomierski

For: Free Standing Shape Memory Alloy Thin Film
And Method Of Fabrication

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on Jan 16, 2004.

Richard E. Backus, Reg. No. 22,701

Signed: *RE Backus*

Mail Stop Non-Fee Amendment
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

RESPONSE TO OFFICE ACTION

Sir:

Applicants submit the following in response to the Office Action of Oct. 16, 2003.

REMARKS

1) Section 112 Objection And Rejection

The specification was objected to under Section 112 as not being an enabling disclosure with respect to the use of an etchant to etch away a layer below an SMA layer; and on the same basis claims 1-9 were rejected under Section 112 as failing to particularly point out and distinctly claim the invention.